

## Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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April 11, 2022

### NOTICE OF BOARD MEETING\*

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) will conduct a public meeting on Thursday, April 21, 2022, at 9:30 a.m., at the Board office at 660 Davis Street, San Francisco, California.

**\* The Governor's proclamation of a State of Emergency resulting from the threat of COVID-19, [Executive Order N-29-20](#), issued March 17, 2020, and [Executive Order N-1-22](#), issued January 5, 2022, suspending or waiving certain provisions of the Bagley-Keene Act during the declared State of Emergency, have expired as of April 1, 2022. In-person meetings at Board offices will resume.**

Items of business scheduled for the meeting are listed on the attached agenda. There may be recesses at the discretion of the Chairperson.

The meeting will be public. This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting should call the Board office at (415) 397-2253, or write to the Board at the above address. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD OF PILOT COMMISSIONERS

Allen Garfinkle  
Executive Director

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This notice and agenda may also be found on the Board's website:  
[www.bopc.ca.gov](http://www.bopc.ca.gov)

\* Order of business is approximate and subject to change.

**Board of Pilot Commissioners  
for the Bays of San Francisco, San Pablo, and Suisun  
Board Meeting  
Thursday, April 21, 2022, at 9:30 a.m.**

**MEETING AGENDA**

**OPEN MEETING**

1. Call to Order and Roll Call (President Hayes-White)
2. Review and approval of Board meeting minutes (President Hayes-White)
  - A) **Board action to approve the minutes from the Board meeting held on October 28, 2021.**
  - B) **Board action to approve the minutes from the Board meeting held on January 27, 2022.**
  - C) **Board action to approve the minutes from the Board meeting held on February 24, 2022.**
  - D) **Board action to approve the minutes from the Board meeting held on March 24, 2022.**
3. Public comment on matters on the agenda or not on the agenda.
4. President Announcements and Activities (President Hayes-White)
5. Board Member Announcements and Activities (Board Members)
6. Directors' Report (Executive Director Garfinkle)
  - A) Correspondence and activities since the Board meeting held on March 24, 2022.
  - B) Report on pilot licensing matters since the Board meeting held on March 24, 2022.
  - C) Report on Board surcharges.
  - D) Report on outstanding requirements of Board actions in response to Board determination and direction on Incident Review Committee reports.
  - E) Report on legislative activities and contractual matters.
7. Port Agent's Report (Port Agent Carlier)
  - A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.
  - B) Monthly report on SFBP ship piloting business activity.
  - C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR). **The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.**

\* Order of business is approximate and subject to change.

8. Pilot Evaluation Committee (Captain Robinson)

- A) Report on the Pilot Evaluation Committee (PEC) meeting held on April 20, 2022.
- B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. **Possible Board action to place one or more Pilot Trainee Training Program trainees on or off probation, or dismiss one or more trainees from the program.**
- C) Possible PEC recommendation as to whether a trainee has or trainees have successfully completed the Pilot Trainee Training Program. **Possible Board action whether to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**
- D) Possible recommendation from the Executive Director for the Board to issue a state pilot license to a trainee who holds a Certificate of Completion from the Pilot Trainee Training Program. **Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.**

9. Reported Safety Standard Violations (Executive Director Garfinkle)  
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)

10. Incident Review Committee—Reportable Piloting Events (Executive Director Garfinkle)  
(Reportable piloting events occurring up to the start of the meeting will be reported on.)

- A) Status report on the M/V GLOBE PEGASUS allision with several pilings at Levin Terminal in Richmond, CA, on April 8, 2021. **Possible Board action to grant the Incident Review Committee an extension to present the M/V GLOBE PEGASUS report at the Board meeting to be held on May 26, 2022.**
- B) Status report of interaction between the M/V CHARLIE and the moored M/V EVA SHANGHAI in the Port of Stockton on October 17, 2021. **Possible Board action to grant the Incident Review Committee an extension to present the M/V CHARLIE report at the Board meeting to be held on May 26, 2022.**

11. Significant Port Safety and Security Cases Report (Executive Director Garfinkle)

Report on marine casualties, navigational safety, and significant incident management cases relevant to the Board as reported by the U.S. Coast Guard in its Prevention / Response – San Francisco Harbor Safety Statistics report.

12. Discussion of conflicts of interest issues regarding the Assistant Director (Executive Director Garfinkle and Board Counsel Eagan)

13. Report on the progress of the Ad Hoc Committee to Review the Pilotage Rate Setting Process initiative (Commissioner Carr).

14. Report on shipping activity regionally and within the Board's jurisdiction (Captain McIntyre)
15. Presentation and discussion of a request for a disability pension by San Francisco Bar Pilot Captain Roger Kirk – Executive Director Garfinkle.

Presentation and discussion of disability pension request by SFBP Captain Roger Kirk. **Possible Board deliberation and finding on:**

A) Whether Captain Kirk is disabled within the meaning of Harbors and Navigation Code section 1164(b). In this context, “disabled” means a disability of permanent or extended and uncertain duration, as determined by the board, on the basis of competent medical opinion.

B) If the Board determines that Captain Kirk is disabled as defined in section 1164(b), the Board must determine the date that the disability became permanent (or of extended and uncertain duration).

**Possible Board action determining whether Captain Kirk is disabled within the meaning of Harbors and Navigation Code section 1164(b), and the date that the disability became of a permanent or extended and uncertain duration. The Board may go into Closed Session to discuss Captain Kirk's confidential medical reports as authorized by Harbors and Navigation Code, §1157.1**

16. Incident Review Committee report on the interaction between the M/V CHARLIE and the moored M/V EVA SHANGHAI in the Port of Stockton on October 17, 2021. (Executive Director Garfinkle/Vice President Schmid)

A presentation of the Incident Review Committee report on the interaction between the M/V CHARLIE and the moored M/V EVA SHANGHAI in the Port of Stockton on October 17, 2021. **Board deliberation of the Incident Review Committee's recommendations to the Board and determination regarding the event involving the M/V CHARLIE and the moored M/V EVA SHANGHAI. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3) and (e)(1).**

17. Discussion of whether Board meetings should remain virtual or return to in-person format (President Hayes-White).
18. Public comment on matters not on the agenda. (President Hayes-White)
19. Proposals for the next Board meeting agenda. (President Hayes-White)
20. Adjournment.